

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-12152-RWZ

EDMUND D. LaCHANCE, JR.

v.

LOIS RUSSO

Certificate of Appealability
July 28, 2008

ZOBEL, D.J.

Petitioner moves for a Certificate of Appealability from the denial of his petition for a writ of habeas corpus. He had been convicted in the state court of aggravated rape, kidnapping, assault and battery and assault with a dangerous weapon. His seven claims of constitutional error actually boil down to four, improper monitoring, seizing and disseminating letters he sent from prison, involuntary absence from a hearing which implicated his Sixth Amendment and due process rights as well as his right to effective counsel, and the denial of a post-conviction motion Franks hearing to explore prison officials' misstatement concerning the mail issue. While I do not believe the denial of habeas corpus is in error, reasonable judges may have different views and accordingly allow the certificate of appealability as to all grounds raised.

July 28, 2008
DATE

/s/Rya W. Zobel
RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE